

REMARKS

All the claims submitted for examination in this application have been rejected on formal and/or substantive grounds. Applicants have amended their claims and respectfully submit that all the claims currently in this application are patentable over the rejection of record.

Turning first to the formal ground of rejection, Claims 21 and 22 stand rejected, under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention.

The indefiniteness allegedly present in dependent Claims 21 and 22 is predicated upon the fact that these claims include the transitional phrase “consists essentially of.” The Official Action questions the definitiveness of these claims insofar as the Official Action believes that it is unclear how the language subsequent to the transitional phrase further limits the scope of these claims. The alleged indefiniteness resides in the fact that independent Claim 20 excludes the components that are recited in Claims 21 and 22, which depend therefrom.

Although applicants strongly disagree with the analysis rejecting Claims 21 and 22 under 35 U.S.C. §112, second paragraph, they have redrafted these claims as new Claims 23 and 24. Claims 23 and 24 are independent claims which reproduce original Claims 21 and 22 in independent form. That is, the system of new Claim 23 is one containing six components, the five components of Claim 20 and the incinerator component of original Claim 21. Similarly, independent Claim 24 is directed to a system for the treatment of silicone emulsion waste consisting essentially of the components recited in Claim 20 as well as the component set forth in original dependent Claim 22. As such, independent Claims 23 and 24, which are

of identical scope as original dependent Claims 21 and 22, now cancelled, overcome any indefiniteness originally present in dependent Claims 21 and 22.

Two substantive grounds of rejection have been imposed, under 35 U.S.C. §103(a), against the patentability of Claims 20 to 22. In view of the amendment made to Claim 20, from which Claims 21 and 22 originally depended, and the incorporation of the same amendment in new independent Claims 23 and 24, it is unnecessary to discuss the merits of these grounds of rejection. Suffice it to say, the amendment made to Claim 20 and the limitations included in independent Claims 23 and 24 predicate patentability over these grounds of rejection.

Attention is directed to Paragraph 9, at Page 5 of the outstanding Official Action. Therein it is stated that Claim 20 would be patentable if the silicone emulsion waste reservoir recited that it contained surfactant stabilized silicone emulsion waste and the chemical tank was qualified by the recitation that it contained a basic compound or admixture having a pH level between about 9 and about 14.

Claim 20 has been amended to incorporate these two limitations, as does new independent Claims 23 and 24. As such, applicants have met the requirements imposed in the outstanding Official Action for allowance of this application over the substantive grounds of rejection imposed in the outstanding Official Action.

It is noted that six new claims, dependent Claims 25-30, have been added to this application. These claims are directed to the specific identity of the basic compound or admixture and are of a scope identical to original method Claims 2, 3, 6, and 9-11. Suffice it to say, support for these claims are provided in the originally filed specification at Page 4, lines 7-20.

The patentability of these claims are predicated upon the fact that these claims further restrict claims which are, as established above, patentable over the rejection of record.

The above amendment and remarks establish the patentable nature of all the claims currently in this application. Notice of Allowance and passage to issue of these claims, Claims 20 and 23-30, is respectfully solicited.

Respectfully submitted,



Marvin Bressler
Registration No. 25,132
Attorney for Applicants

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
516-742-4343
MB:ml